Senate Bill No. 2082

CHAPTER 476

An act to add Section 1834.8 to the Civil Code, relating to animal testing.

[Approved by Governor September 16, 2000. Filed with Secretary of State September 18, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2082, O'Connell. Animals: safety testing.

Under existing law, any pound or animal regulation department of a public or private agency where animals are turned over to a research facility is required to post a clearly visible notice that animals turned in to the agency may be used for research purposes.

This bill would prohibit manufacturers and contract testing facilities from using traditional animal test methods in this state for which an appropriate alternative method has been scientifically validated and recommended by the United States federal Inter-Agency Coordinating Committee for the Validation of Alternative Methods or other specified agencies. The bill would make a civil action for injunctive relief the exclusive remedy for enforcing these provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 1834.8 is added to the Civil Code, to read:

1834.8. (a) Manufacturers and contract testing facilities shall not use traditional animal test methods within this state for which an appropriate alternative test method has been scientifically validated and recommended by the Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) and adopted by the relevant federal agency or agencies or program within an agency responsible for regulating the specific product or activity for which the test is being conducted.

(b) Nothing in this section shall prohibit the use of any alternative nonanimal test method for the testing of any product, product formulation, chemical, or ingredient that is not recommended by ICCVAM.

(c) Nothing in this section shall prohibit the use of animal tests to comply with requirements of state agencies. Nothing in this section shall prohibit the use of animal tests to comply with requirements of federal agencies when the federal agency has approved an alternative nonanimal test pursuant to subdivision (a) and the

federal agency staff concludes that the alternative nonanimal test does not assure the health or safety of consumers.

(d) Notwithstanding any other provision of law, the exclusive remedy for enforcing this section shall be a civil action for injunctive relief brought by the Attorney General, the district attorney of the county in which the violation is alleged to have occurred, or a city attorney of a city or a city and county having a population in excess of 750,000 and in which the violation is alleged to have occurred. If the court determines that the Attorney General or district attorney is the prevailing party in the enforcement action, the official may also recover costs, attorney fees, and a civil penalty not to exceed five thousand dollars ($5,000) in that action.

(e) This section shall not apply to any animal test performed for the purpose of medical research.

(f) For the purposes of this section, these terms have the following meanings:

(1) ''Animal'' means vertebrate nonhuman animal.

(2) ''Manufacturer'' means any partnership, corporation, association, or other legal relationship that produces chemicals, ingredients, product formulations, or products in this state.

(3) ''Contract testing facility'' means any partnership, corporation, association, or other legal relationship that tests chemicals, ingredients, product formulations, or products in this state.

(4) ''ICCVAM'' means the Inter-Agency Coordinating Committee for the Validation of Alternative Methods, a federal committee comprised of representatives from 14 federal regulatory or research agencies, including the Food and Drug Administration, Environmental Protection Agency, and Consumer Products Safety Commission, that reviews the validity of alternative test methods. The committee is the federal mechanism for recommending appropriate, valid test methods to relevant federal agencies.

(5) ''Medical research'' means research related to the causes, diagnosis, treatment, control, or prevention of physical or mental diseases and impairments of humans and animals or related to the development of biomedical products, devices, or drugs as defined in Section 321(g)(1) of Title 21 of the United States Code. Medical research does not include the testing of an ingredient that was formerly used in a drug, tested for the drug use with traditional animal methods to characterize the ingredient and to substantiate its safety for human use, and is now proposed for use in a product other than a biomedical product, medical device, or drug.

(6) ''Traditional animal test method'' means a process or procedure using animals to obtain information on the characteristics of a chemical or agent. Toxicological test methods generate information regarding the ability of a chemical or agent to produce a specific biological effect under specified conditions.

(7) ''Validated alternative test method'' means a test method that does not use animals, or in some cases reduces or refines the current use of animals, for which the reliability and relevance for a specific purpose has been established in validation studies as specified in the ICCVAM report provided to the relevant federal agencies.

(8) ''Person'' means an individual with managerial control, partnership, corporation, association, or other legal relationship.

(9) ''Adopted by a federal agency'' means a final action taken by an agency, published in the Federal Register, for public notice.

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